

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STEPHEN CRAIG BURNETT,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-10-257-M
)	
JUSTIN JONES, et al.,)	
)	
Defendants.)	

ORDER


On November 8, 2010, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, alleging violations of plaintiff's constitutional rights. The Magistrate Judge recommended that defendants' motion to dismiss [docket nol 57] be granted on the basis that plaintiff failed to exhaust available administrative remedies concerning his claims against defendants in counts one through thirteen of the Second Amended Complaint, that the defendants' motion to dismiss [docket no. 61] be granted concerning all of plaintiff's claims brought against them in their official capacities, that the defendants' motion to dismiss [docket no. 61] be granted as to plaintiff's claims against them individually in counts one through eight, and that defendants' motion for summary judgment [docket no. 61] be granted concerning plaintiff's claims against defendant Mr. Jones individually in count nine, against defendants Mr. Jones and Morton individually in count ten, and against defendant Mr. Jones individually in count thirteen. The Magistrate Judge further recommended that plaintiff's claims in counts eleven and twelve in the Second Amended Complaint as to all defendants and plaintiff's claims in count one as to defendant Jester be dismissed as frivolous or for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B). The Magistrate Judge further recommended that plaintiff's cross-motions for Summary Judgment [docket nos. 77, 82] be denied and that plaintiff's

motions [docket nos. 47, 78, 79, 89, 90, 93, and 94] be denied as moot. The parties were advised of their right to object to the Supplemental Report and Recommendation by November 29, 2010. On November 29, 2010, plaintiff filed his objection, objecting to the Report and Recommendation in its entirety.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on November 8, 2010 ;
- (2) GRANTS defendants' Motions to Dismiss and Motion for Summary Judgment [docket nos. 57 and 61];
- (3) DISMISSES plaintiff's claims as to defendant Jester;
- (4) DENIES plaintiff's Cross-Motions for Summary Judgment [docket nos. 77 and 82];
- (5) DENIES plaintiff's motions [docket nos. 47, 78, 79, 89, 90, 93, and 94] as moot; and
- (6) ORDERS that judgment issue forthwith in favor of defendants and against plaintiff on each of plaintiff's federal law claims.

IT IS SO ORDERED this 9th day of December, 2010.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE